

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Applicant gratefully notes the allowance of Claims 20-27, and the allowability of dependent Claims 37, 38, 47 and 48, which have been re-presented in independent form as new Claims 49-52.

Remaining independent Claims 28 and 39 stand rejected under 35 USC § 103 as being unpatentable over Wehl et al. No. 3,443,259. It is the Examiner's position that the Wehl reference discloses the claimed subject matter, "but [does] not disclose that said housing part is designed to accommodate both" the switching mechanism and the load. "It would have been obvious *** to combine the load (i.e., motor or appliance) and said switching mechanism in a single housing ...". Applicant respectfully disagrees with this conclusion. Moreover, the Examiner has also ignored the claim language defining the unique arrangement of the countercontacts which is also absent from the cited art.

As explained in the Remarks accompanying the Preliminary Amendment, dated September 27, 2002, the invention as claimed cannot be reduced to the concept of simply dispensing with a housing so that two formerly separate devices are now combined in a common housing. Conventional temperature dependent switches having a housing (such as the Wehl et al. switch from U.S. 3,443,259) comprise two terminals that are fixed, e.g., by soldering, to an electrical load to be protected. If the invention was simply to dispense with the housing (casing 2 in the Wehl et al. patent), this would only have the advantage of an enhanced heat exchange between the load and the switching mechanism.

But the claimed invention is distinct from a device that has a housingless temperature dependent switch soldered to terminals of a load. Namely, the movable contact element of the switching mechanism is (below the response temperature of the switch) in direct contact not with a countercontact that is part of the switching mechanism, but with a countercontact that is part of

the device and has in known arrangements been used for providing a connection to one of the terminals (and not to a movable contact) of the switch.

Claim 28 expressly recites:

“a first countercontact that is electrically connected to said load,

a temperature-dependent switching mechanism comprising ... a bimetallic element and a movable contact element ... inserted into said cavity such that said movable contact element is, when its temperature is below its response temperature, in direct electrical contact with one of said countercontacts ...”

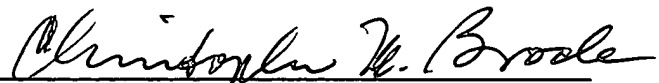
Similar language can be found in Claim 39 as well.

Thus, it is not only the housing of the switching mechanism that is dispensed with, but also a countercontact for the movable contact element that is usually contained in the temperature-dependent switch itself.

Accordingly, to modify Wehl as suggested by the Examiner would still not achieve the advantageous structure claimed by Applicant. Reconsideration and withdrawal of the outstanding rejection of Claims 28 and 39 (and those claims dependent thereon) is therefore respectfully solicited.

Respectfully submitted,

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